

REMARKS

Claims 1, 3-8, and 10-20 are pending in the application and the same are rejected. Claims 1, 3-8, and 10-20 remain in the application and are presented for review and further consideration by the Examiner.

The Examiner has rejected claims 1, 3-8, and 10-20 under 35 U.S.C. §103(a) as being unpatentable over McCurdy et al., U.S. Patent Application Publication No. 2002/0035697 A1, in view of Wade et al., U.S. Patent No. 5,552,776. (Examiner's Action, page 2, ¶ 3). In response to Applicants' arguments that Applicants' date of invention predates the effective date of McCurdy, the Examiner states that the declaration or exhibits are not clear enough to indicate definite conception of the invention as illustrated in Applicants' claim language. Specifically, the Examiner identifies Applicants' claim language "a recorded unique device identification to uniquely identify" and suggests that the language is not supported by Applicants' exhibits. (Examiner's Action, page 4, ¶ 4).

Applicants respectfully disagree.

The Examiner must consider both Applicants' declaration and Applicants' exhibits. See MPEP 715.07.

However, when reviewing a 37 CFR 1.131 affidavit or declaration, the examiner must consider all of the evidence presented in its entirety, including the affidavits or declarations and all accompanying exhibits, records and "notes." An accompanying exhibit need not support all claimed limitations, provided that any missing limitation is supported by the declaration itself. *Ex parte Ovshinsky*, 10 USPQ2d 1075 (Bd. Pat. App. & Inter. 1989).

Support is provided for each and every element of at least Applicants' independent claims by either Applicants' declaration or Applicants' exhibits. Since Applicants' exhibits clearly recite, "Read Falcon record" on the page entitled Falcon Process Flow, Applicants' exhibits clearly indicate conception of

reading a record. While it should be clear that the Falcon record is an input record, since it is read, Applicants' declaration adds further support by explicitly stating that the Falcon record is an input record. Therefore, it is quite clear that "reading, from an input record" is supported by Applicants' exhibits and declaration.

What is read from the input record is also quite clearly and definitely expressed by Applicants' exhibits and declaration. In particular, the flow chart on the page entitled Flow 1A includes a box with the wording, "Is Serial Number invalid, default, or Falcon duplicate?" A serial number, by its nature, is a unique device identification to uniquely identify a device. This is further supported by Applicants' declaration which explicitly states the "serial number is a recorded unique device identification to uniquely identify a device."

While it should be clear from the sequence of events in the flow chart that the Serial Number referred to in the box was read from the Falcon record (input record), Applicants' declaration explicit states, with reference to the cited box on the page entitled Flow 1A, "from the input record is read a recorded unique device identification to uniquely identify a device." Applicants' exhibits and declaration, therefore, clearly indicate that the serial number (unique device identification to uniquely identify a device) was read from the input record. Furthermore, since the serial number (unique device identification to uniquely identify a device) is read from a record, the serial number is a recorded unique device identification to uniquely identify a device.

From the foregoing, it should be clear that Applicants' exhibits and declaration together provided support for at least Applicants' independent claims. The support is very explicit and not vague or composed of general statements in broad terms. Since Applicants' exhibits and declaration support Applicants' claim language, they also indicate definite conception of the invention as illustrated in Applicants' claim language. Since Applicant's exhibits and declaration indicate definite conception of the invention and the exhibits predate the effective date of McCurdy, Applicants' date of invention predates the effective date of McCurdy.

Since Applicants' date of invention predates the effective date of McCurdy, McCurdy cannot be used as a basis for rejection for the present invention.

Furthermore, as the Examiner has agreed, the remaining reference, Wade, does not disclose each of the elements of the present invention, as claimed in Applicants' independent claims 1, 8, and 15.

In view of Applicants' arguments with respect to independent claims 1, 8, and 15 being allowable, Applicants respectfully submit that the remaining dependent claims are also allowable because they contain all of the limitations of their respective independent claims and further add structural and functional limitations.

The foregoing arguments are believed to be a complete response to the most recent Examiner's Action.


No new matter has been added.

It is respectfully submitted that there is no claim, teaching, motivation, or suggestion in any of the cited art, alone or in combination, to produce what Applicants claim.

It is further submitted that the application defines patentable subject matter and that the claims are in a condition for allowance. Such allowance at an early date is respectfully requested.

Should any issues remain which would preclude the prompt disposition of this case, it is requested that the Examiner contact the undersigned practitioner by telephone.

Respectfully submitted,
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Date 11/19/2004
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